40. A method according to claim 38 or claim 39 which takes place in vitro or ex vivo.

41. A method according to claim 39 which takes place in vivo.

Please add the following new claims:

--42. The method of claim 31 or 32, wherein the cell is contacted with the substance.

43. The method of claim 31 or 32, wherein the cell is caused to express the substance by expression by the cell of a nucleic acid molecule encoding the substance.--

RESTRICTION REQUIREMENT

The Pending Claims Meet the Requirements for Unity of Invention

The Examiner has required election of one of the following groups:

I. Claims 1-17, drawn to a method for identifying a compound which modulates interaction between p21 and cyclin D1.

II. Claims 18-19, drawn to a p21 peptide fragment.

III. Claims 20-28 and 38-40, drawn to a method of modulating RB phosphorylation with a peptide.

IV. Claims 29-30, drawn to a method of identifying mimetics of p21.

V. Claims 31-37 and 41, drawn to a method of treatment with a peptide fragment.

The restriction requirement issued in the action of August 18, 2000 is improper. Applicants point out that this application is the national stage of PCT/GB97/01250 and is being examined pursuant to 35 U.S.C. 371. No objection as to lack of unity of invention was raised during the international phase of the application. Applicants submit that it is

improper under the PCT for national offices to require compliance with the requirements relating to the form or contents of the application different from or additional to those which are provided for in the PCT (Art 27 PCT). The PCT Handbook states in section 33.35, paragraph "that a designated office ought not to raise an objection as to a lack of unity when the International Searching and/or Preliminary Examining Authority has found that the claims comply with the requirement for unity of invention." This was agreed to by the Contracting States, according to the PCT Handbook at Section 23.9 paragraph 2, which refers to the report of the PCT assembly, 18th session (1991), item 25.

Applicants have discovered the regions of p21 that bind to cyclin dependent kinases, specifically Cdk4 and/or cyclin D1; the pending claims are all based on this special technical feature. In particular, the claims are directed, e.g., to methods of methods of modulating this interaction, screening for compounds that modulate this interaction, mimetics obtained by such screening methods, and methods of using the subject compositions and mimetics. The discovery of the regions of p21 that bind to cyclin dependent kinases, specifically Cdk4 and/or cyclin D1 is a novel technical feature that links all of these pending claims together. Thus, the claims form a single general inventive concept as required by Rule 13.1.

For the purpose of being responsive, Applicants hereby elect, ***with traverse***, to prosecute the invention of Group I, claims 1-17.

Election of Species Requirement

The Examiner has required election of one species between peptides 2, 4, 10, 11, and KRRLIFSK.

As already indicated, this application is the national stage of PCT/GB97/01250 and is being examined pursuant to 35 U.S.C. 371. Applicants maintain their position that it is improper under the PCT for national offices to require compliance with the requirements relating to the form or contents of the application different from or additional to those which are provided for in the PCT (Art 27 PCT). Applicants also maintain that the claims share a special technical feature as required by the PCT rules for unity of invention.

Although the PCT rules do not provide for an election of species for searching purposes, for the purpose of being responsive, Applicants hereby elect, ***with traverse***, the species of KRRLIFSK for searching purposes only. It is Applicants understanding that upon allowance of the elected claims, the claims reading on the remaining species also will be searched and Applicants will be entitled to consideration of claims to the additional species. MPEP 803.02.

SEQUENCE LISTING

In response to the Notice to Comply with Requirements for Patent Applications Containing Sequence Disclosures mailed from the Patent Office on August 18, 2000, Applicants hereby submit a sequence listing containing pages 1 to 10 to be included in the specification part of the disclosure. The sequence listing contains sequences which were in the specification as filed. The specification has been amended to include sequence identifier numbers where there are references made to these sequences. No new matter has been added to the application.

CONCLUSION

If a telephone conversation with Applicants' Agent would expedite the prosecution of the above-identified application, the Examiner is urged to call Applicants' agent at 617-227-7400.

Date: December 18, 2000

LAHIVE & COCKFIELD, LLP
Attorneys at Law

By _____
Megan E. Williams
Reg. No. 43,270
28 State Street
Boston, MA 02109
(617) 227-7400
(617) 742-4214